REMARKS

Claims 1, 4-6, 9-11, 13, 14, 18-20, 23-25, 28-30, 33, 37, 38, 116, 131 and 133-144 are pending in the present application. In the Office Action, claims 1, 20 and 135 are objected to because of informalities. By this amendment, claims 1, 20 and 135 have been amended and new claims 145 and 146 have been added. No new subject-matter has been introduced. In view of the following remarks, the Applicants respectfully traverse the Examiner's rejection of the pending claims.

In the Office Action, the Examiner indicated that claims 116 and 137-144 are allowed. The Examiner also indicated that dependent claims 6 and 25 contain allowable subject matter. However, claims 6 and 25 depend from independent claims 1 and 20, respectfully, and therefore Applicants respectfully submit that these claims are in condition for allowance for at least the reasons discussed below with regard to independent claims 1 and 20.

Claims 20, 23, 28, 29 and 38 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,199,048 to Hudetz et al. (***Hudetz***). Applicants respectfully request reconsideration of the Examiner's rejection of claims.

For convenience of the Office, claim 20 is discussed first. Amended claim 20 calls for receiving information from a plurality of code scanners where the received information from each bar code scanner includes bar code information. Claim 20 further includes identifying at least a portion of the destination information stored in a database based on at least a portion of the received bar code information that comprising data relating to a type of destination

information and _using the type of destination information for_ accessing a network location referenced by the identified portion of the destination information. For example, the bar code may comprise information that includes data, which provides an indication of destination information. In contrast, the prior art uses the UPC code in a table at the database to directly look-up the actual destination address, _i.e._, URL of an Internet location. However, as described in the Applicant's Specification, on page 21-22, scanning of a web code based on personal information on a police or fire sticker in one's home may enable a homeowner to get connected to a network location for retrieving information that indicates nearness of a hydrant to the house. As another example, a precode on the web code may indicate that the web code is a telephone number, programmed to have the phone call the telephone number and send information. Thus, claim 20 refers to "a portion of the received bar code information that comprising data relating to a type of destination information" being used for identifying a portion of destination information as well as "using the type of destination information for accessing a network location referenced by the identified portion."

The Examiner alleges that **_Hudetz_** teaches the above-mentioned claimed features. Applicants respectfully disagree. In particular, the Examiner relies upon **_Hudetz_** to describe a database of bar codes and destination information associated with the bar codes. However, **_Hudetz_** does not teach or suggest these claimed features because **_Hudetz_** is concerned with giving users a convenient access to information located on computer networks, such as the Internet. In **_Hudetz_,** the received UPC code is used for a look-up of a resource destination, _i.e._, a particular Internet address, such as a URL that locates a resource on the Internet. In amended claim 20, the portion of the received bar code information comprises data relating to a type of destination information

that does not point to a specific URL but, instead to the type of destination information for a network location that can be accessed based on that type of destination information and thus fundamentally differs from an Internet address.

Hudetz describes techniques for accessing a URL suitable for locating a resource on the Internet in a field of records of a database. As noted by the Examiner, on page 4 of the Office Action, information in the field 74, such as URL information is stored in the relational database 60. See *Hudetz,* Figures 1 and 4, col. 7, lines 2-42. The stored URL information is suitable for locating a resource on the Internet 20 since the URL information described by *Hudetz* functions as a more precise kind of network address than a domain name. See *Hudetz* col. 5, lines 61-65. However, the URL information stored in the relational database 60 in the field 74 described by *Hudetz* is not identified. In *Hudetz,* a portion of the destination information stored in the database in not identified based on at least a portion of the received bar code information that indicates a particular type of contact information for connecting to a destination. *Hudetz* fails to disclose or use the data indicative of the destination information, wherein the data is part of the bar code, as called for by claim 20.

As noted above, *Hudetz* describes a service provider 22 and two remote nodes 24 and 26 where the service provider 22 is a local Internet access provider. See *Hudetz*, col. 5, lines 6-9. To access resources of a particular remote node 24 or 26, a local host 28 requests the resources from Internet 20 using the appropriate URL. See *Hudetz* col. 5, lines 61-65. The service provider 22 includes a relational database 60, which could be resident on the local host 28 or another remote computer 24 or 26. See *Hudetz*, col. 7, lines 51-53. The database 60 includes records 62-68. Each

record 62-68 of the database 60 contains four fields 70-76. The UPC fields 70 and 72 contain a UPC product identification number and field 74 holds a URL suitable for locating a resource on the Internet 20. See *Hudetz* at col. 7, lines 6-10. An end-user accesses the Internet 20 using local host 28. See *Hudetz*, col. 5, lines 13-14. That is, the local host 28 is used to access Internet resources (or "Web sites") on remote nodes 24 and 26. See *Hudetz*, col. 5, lines 48-49.

As such, *Hudetz* locates a resource on the Internet in which Internet addresses, in the form of URLs are accessed for end-users. When a user scans a bar code, an Internet address is accessed by a web browser and the web page identified by the stored Internet address is retrieved. *Hudetz* discloses variations of this technique but in all of the disclosed embodiments, the specific Internet address which is to be accessed is stored in the relational database 60 and is directly used by the local host 28 to access resources on remote computers, particularly web sites. See *Hudetz* at col. 3, lines 16-18. To access a URL suitable for locating a resource on the Internet in the field 74 of record 62-68 of the relational database 60, *Hudetz* reads the UPC product identification number based on the UPC symbol 46 by an input device 44, and transmits it to a web-server on the local service provider 22.

In contrast to the system of *Hudetz*, one embodiment of the present invention provides for a remote translation table which will associate information encoded in bar codes with a desired final destination. Thus, changes to a destination address type can be made without affecting the validity of previously distributed bar code data. The pending claims have been amended to more clearly recite this aspect of the invention. That is, a particular <u>type of destination information</u> is used for connecting to a destination for accessing a certain kind of

network referenced by the identified portion. Because *Hudetz* does not disclose (or suggest) providing a method or system which indirectly associates bar codes with different destination address types as recited in claim 20, the rejection of the independent claim 20 as being anticipated by *Hudetz* has been traversed and should be withdrawn. The rejection of the dependent claims should likewise be withdrawn for at least the same reasons.

Claims 1, 4, 5, 9-11, 13, 14, 18, 19, 24, 30, 32, 33 and 37 stand rejected under 35 U.S.C 103(a) as being unpatentable over *Hudetz* in view of U.S. Patent No. 5, 918, 211 to *Sloane*. Applicants respectfully request reconsideration of the Examiner's rejection of claims.

As amended, independent claim 1 includes features similar to claim 20, such as identifying at least a portion of the destination information stored in a database based on at least a portion of the received bar code information that comprising data relating to a type of destination information and using the type of destination information for and using the type of destination information for accessing a network location referenced by the identified portion of the destination information. Thus, independent claim 1 is allowable for one or more reasons claim 20 is allowable, and further allowable because of the additional features recited therein.

The Examiner argues that the "identifying" step of claim 1 is taught by *Hudetz*. At the same time, in the Office Action, on page 6, the Examiner acknowledges that *Hudetz* fails to specifically teach receiving source information identifying a user of the bar code scanners and providing data to at least one user of at least one of the bar code scanner based on the received source information. The Examiner argues that these missing features are supplied by *Sloane*. However, the *Hudetz* and *Sloane* references, whether considered alone or in combination, at

least do not teach the amended features of claim 1 for the aforementioned reasons.

With respect to *Hudetz*, the Examiner argues that *Hudetz* teaches the act of identifying at least a portion of the destination information based on at least a portion of the received bar code information insofar as it teaches that the URL information is stored in the relational database 60 is suitable for locating a resource on the Internet 20. The Examiner's reliance on *Hudetz* is erroneous. Claim 1 calls for identifying destination information that is stored in a database based on at least a portion of the received bar code information that comprises data relating to a type of destination information. However, in relying on *Hudetz*, the recited claim feature that specifies the amended act of identifying the destination information is not considered. As noted earlier, in *Hudetz*, there is no bar code information that is received indicates a type of destination information. As such, there can be no identification of destination information based on a particular type of destination information for selectively connecting to an associated resource destination.

The Examiner alleges that *Sloane* teaches or suggests the claimed "identifying" and "accessing" features set forth in claim 1. The Applicants respectfully disagree.

Sloane describes an apparatus for promoting consumer products having UPC bar codes at the point-of-purchase within a retail establishment. In particular, the consumer scans the UPC bar codes (or scan a shelf label having the product UPC bar code) for the products they are interested in purchasing. The scanned product bar code, either on the product or the shelf, the portable bar code scanner identifies the product and price. See *Sloane*, col. 3, lines 13-15. Additionally, the consumer scans their frequent shopper card bar code in order to identify them to the retailer's computer/controller. See *Sloane*, col. 3, lines 32-37. For example, after the portable

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bar code scanner 20 has sent the product code information to computer/controller 12, the computer/controller 12 described by *Sloane* sends the product description and price information on the scanned product to the portable bar code scanner via wireless transmission medium 202 (See *Sloane* FIG. 6). Based on the received promotional product information by retailer 14 or sender 16, the computer/controller 12 determines if the scanned item is a designated sale item, and if it is, sends a message to the scanner 20 which offers the consumer the discount or promotion (See *Sloane* Figures 6, 7 and col. 7, line 65 – col. 8, line 7).

Accordingly, the Examiner's reliance on *Sloane* is erroneous. A closer inspection of the cited reference reveals that there is no teaching or suggestion in the manner suggested by the Examiner. The Examiner contends that the scanned product bar code and the frequent shopper card bar code in *Sloane* corresponds to the "a portion of the received bar code information that comprises data relating to a type of destination information" of claim 1. In fact, *Sloane* identifies the product and price based on the scanned product bar code and the frequent shopper card bar code identifies the consumer. Recalling that claim 1 calls for identifying destination information that is stored in a database based on at least a portion of the received bar code information that indicates a particular type of contact information for connecting to an associated resource destination, it becomes apparent that *Sloane* clearly fails to provide the requisite teaching or suggestion.

The Examiner's reliance on the combination of *Hudetz* and *Sloane* is also erroneous because there is no motivation to combine the references in the manner suggested by the Examiner. In fact, the references indicate that there would be no motivation to combine the teachings in a manner alleged. That is, even though *Hudetz* teaches storing URLs in a database,

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Sloane does not state or even suggest that the URL be accessed from the database. Indeed, to the contrary, *Sloane* teaches sending a message to the scanner 20 which offers the consumer the discount or promotion. As such, there would be no need to "identify" the destination information (*e.g.,* URL) in a database (and certainly not based on the received bar code information that comprises data relating to a type of destination information), as the discount or promotion is to be made available to the consumer by the computer/controller 12 at the point-of-purchase within a retail establishment.

For one or more reasons presented above, independent claim 1 is allowable. Additionally, claims depending from independent claims 1 and 20 are allowable for at least the same reasons.

With respect to claims 11 and 30, the Examiner takes "Official Notice" to make a case of obviousness. Because the Office cites *no specific reference* to support this "obviousness" assertion, the Applicants infer that the Examiner makes this assertion based on personal knowledge. However, no supporting affidavit and/or evidence have been made of record. The Applicants respectfully request that prior art be provided to substantiate this "obviousness" assertion or that an affidavit be filed in accordance with 37 C.F.R. § 1.104(d)(2), which states (emphasis added):

> (2) When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference *must* be supported, when called for by the applicant, by the *affidavit* of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.

Consequently, the Applicants respectfully and seasonably request the Office to either (1) cite a reference in support of this position, or (2) provide a Rule 104(d)(2) affidavit from the Examiner supporting any facts within the personal knowledge of the Examiner, as also set forth in M.P.E.P. § 2144.03. Moreover, the Examiner is requested to establish a *prima case* of obviousness by providing the requisite motivation to combine the prior art teachings and reasonable expectation of success.

Claims 131 and 133 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over ***Hudetz***. The Applicants respectfully traverse the Examiner's rejection of claims131 and 133.

In the Office Action mailed February 23, 2006, on page 9, the Examiner acknowledges that the "permitting the group of users to communicate with each other through the common web page" step of claim 131 is not taught by ***Hudetz***. However, the Examiner takes "Official Notice" to make a case of obviousness. In particular, the Examiner alleges that since it is known that users can communicate with each other through chat rooms, message boards, forums, and the like, located at a web site, a group of users can communicate with each other through a common web page. By permitting the group of users to communicate with each other through the common web page, ***Hudetz*** may allow users to access information such as product, book, or movie reviews, etc., written by other users, thereby encouraging continued use of the web page(s). The Examiner's reliance on "Official Notice" in combination with ***Hudetz*** is erroneous for at least the reasons set forth below.

Claim 131 calls for permitting the group of users to communicate with each other through

a common web page based on information encoded in each bar code and based on destination information corresponding to the received bar codes, wherein the destination information is accessible from the Internet portal. However, the Examiner simply ignores that recited claim feature specifies that the act of permitting the group of users to communicate is <u>based on information encoded in each bar code and based on destination information corresponding to the received bar codes</u>. As noted earlier, there is no group of users using bar code readers are permitted by the service provider 22 of *Hudetz* to communicate with the common web page. As such, in *Hudetz,* the group of users only allowed access to the URL stored in the URL field 74 for connecting to a web-site. Accordingly, *Hudetz* either combined or considered alone at least do not teach the claimed combination of the permitting step. Dependent claim 133 is also allowable for at least the same reasons as claim 131.

The Examiner further relies on *Hudetz* and U.S. Patent No. 5, 979,762 (*Bianco)* to reject claims 134-136 dependent on independent claim 131, arguing that claims 134-136 are taught by the combination of these references. The Applicants respectfully disagree and note that for at least the aforementioned reasons indicated above in the context of claim 131, the cited references, either considered alone or in combination fail to make obvious the claimed features of claims 134-136.

The Examiner rejected claims 134-136 over *Hudetz* as modified by *Bianco.* In particular, the Examiner <u>concedes</u> that *Hudetz* fails to specifically teach allowing at least one user to connect to the Internet portal when encryption of bar code information is not indicated and not allowing the user to connect to the Internet portal when encryption of the bar code information is indicated and connecting the user to the Internet portal depending upon whether the encryption of the bar

code information is turned off. To remedy the fundamental deficiency in **Hudetz**, the Examiner turns to **Bianco**. The Examiner alleges that **Bianco** in Figures 2-3, column 2 lines 48-64, and column 3 line 15 - column 5 line 42, teaches a method for providing encrypted bar codes and allowing a user access to selected information/areas in dependence of whether the bar code is encrypted or not. However, **Bianco** fails to address the above-addressed shortcomings of **Hudetz** in view of the reasons set forth below.

Bianco discloses a system in which standard and encrypted bar codes can be used. The standard bar codes can be read by a standard bar code reader. However, the encrypted bar codes require a specialized security bar code decoder into which the user, for example, can enter a password to allow the bar code to be decrypted. The Examiner contends that it would have been obvious to use such a bar code with the system of **Hudetz** and that the combination would result in the claimed invention. Applicants respectfully disagree.

There is no teaching or suggestion in either **Hudetz** or **Bianco** to connect to the Internet portal when encryption of bar code information is not indicated and not allowing the user to connect to the Internet portal when encryption of the bar code information is indicated. That is, a user is not selectively allowed to connect to the Internet portal depending on whether or not a scanned bar code indicates if this code was encrypted. Accordingly the rejection of claim 134 as being obvious over **Hudetz** in view of **Bianco** is improper and should be withdrawn. Likewise, the claim 135 feature of connecting the user to the Internet portal depending upon whether the encryption of the bar code information is turned off is not rendered obvious in a *prima facie* manner by the cited references. Dependent claim 136 is also allowable for at least the same

reasons as claim 134. Additionally, **_Hudetz_** and **_Bianco_** also do not teach the providing step of claim 136.

New dependent claims 145 and 146 are allowable for at least the same reasons as claim 20. Additionally, the cited **_Hudetz_**, **_Sloane_** and **_Bianco_** references either combined or considered alone at least do not teach the claimed accessing and the providing steps, respectively. Accordingly, claims 145 and 146 are in condition of allowance over the **_Hudetz_**, **_Sloane_** and **_Bianco_** references.

Arguments with respect to other dependent claims have been noted. However, in view of the aforementioned arguments, these arguments are moot and therefore not specifically addressed. To the extent that characterizations of the prior art references or Applicants' claimed subject matter are not specifically addressed, it is to be understood that Applicants do not acquiesce to such characterization. Reconsideration of the present application is respectfully requested.

In light of the arguments and amendments presented above, Applicants respectfully assert that all of the claims are allowable. Accordingly, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned at the Houston, Texas telephone number (713) 934-4089 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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